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HM

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 08/959,748 | 10/28/97 | CLEMMER | P PD-30-3986DI |

HM22/1003

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EXAMINER

PRYOR, A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 1616 | 17 |

DATE MAILED: 10/03/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

| | | |
|------------------------------|--------------------------------------|--------------------------------------|
| Office Action Summary | Application No. 08/959,748 | Applicant(s) Clemmer et al |
| | Examiner Alton Pryor | Group Art Unit 1616 |

Responsive to communication(s) filed on Jul 24, 1900

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-9, 19, and 20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) 20 is/are allowed.

Claim(s) 1-4 and 6-9 is/are rejected.

Claim(s) 5 and 19 is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Detailed Action

I. Claim 1 rejection under 35 U.S.C. 112, 2nd paragraph is maintained. The examiner was unable to find support for the HF:FClCH₂ ratio for 100:1 in exhibit A. Upon request by the examiner to the applicants to point out where in Exhibit A is this ratio shown or discussed, the applicants replied that they believe that the recited ratio of HF:FClCH₂ ratio of 100:1 is supported by exhibit A. No further explanation by the applicants was made. For this reason the rejection under 35 U.S.C. 112, 2nd paragraph cited in paper no. 15 is maintained (office action of 4/24/00).

II. Claim Rejection under 35 U.S.C. 102 (a,e) is reinstated. In light of applicants' response to the new ground of rejection under 35 U.S.C. 112, 2nd paragraph cited in Official Office Action dated 4/24/00 (paper no. 15), the claim rejection under 35 U.S.C. 102 (a,e) made in office action dated 10/26/99 (paper no. 13) is reinstated and read as follows:

Claim Rejections under 35 U.S.C. 102(a,e)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-4, 6-9 are rejected under 35 U.S.C. 102(a) as being anticipated by Bonniface et al. (WO 9421579). Bonniface teaches the process of the instant invention. Bonniface teaches a

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Telephonic Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alton Pryor whose telephone number is (703) 308-4691. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jose Dees, can be reached on (703) 308-4628. The fax phone number for this Group is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1235.



Alton Pryor

Patent Examiner, AU 1616

10/2/00